

Joint Land Use Board
1200 Mountain Ave., Middlesex, NJ 08846
Minutes
December 22, 2021

1. Call to Order

Chairperson Conahan called the meeting to order at 7:02pm.

2. Open Public Meeting Act Statement

Chairperson Conahan read the Open Public Meeting Act Statement.

3. Roll Call

The following members were present:

CLASS IV MEMBERS:
FRANK RYAN DEC/2024 [PRESENT] MARK KRANZ DEC/2023 [PRESENT 7:04PM]
JOSEPH DESCENZA DEC/2021 [PRESENT] MICHAEL CONAHAN DEC/2022 [PRESENT]
ROBERT SHERR DEC/2022 [PRESENT] PAUL WOSKA DEC/2023 [PRESENT]
JOSEPH CARUSO DEC/2021 [PRESENT] ALT 1
TODD NICOLAY DEC/2022[PRESENT] ALT 2

ROBERT DESSINO DEC/2023 [PRESENT] CLASS I MEMBER
STEPHEN GRECO DEC/2021 [PRESENT] CLASS II MEMBER
JEREMIAH CARNES DEC/2021 [ABSENT] CLASS III MEMBER

ALSO PRESENT: BOARD ATTORNEY-MR. BILL ROBERTSON
ZONING OFFICER- MR. JOE COSTA

3. Minutes

Member Sherr made a motion to approve the December 8, 2021 minutes, seconded by Member Descenza. Vote: Member Sherr-yes, Chairperson Conahan-yes, Member Ryan-yes, Member Woska-yes-Member Kranz- absent, Member Descenza-yes, Member Carnes-absent, Member Dessino-yes, Member Greco-abstain, Member Caruso-yes, Member Nicolay-yes. Motion passed.

Member Kranz arrived at 7:04pm.

4. JLUB 2021-006 Use Variance with Major Preliminary and Final Site Plan
D & J Collision Center
256 Lackland Dr East
Block 293 Lot 9

Member Caruso made a motion to approve the Resolution, seconded by Member Descenza. Vote: Member Sherr-yes, Chairperson Conahan-yes, Member Ryan-yes, Member Woska-yes, Member Kranz-yes, Member Descena-yes, Member Carnes-absent, Member Dessino-abstain, Member Greco-abstain, Member Caruso-yes, Member Nicolay-yes. Motion passed.

5. New Business

JLUB 2021-014

Lily Weiniger
507 Fairview Ave
Block 321 Lot 51

Certificate of non-conformity

(2 family in single family zone)

Mr. Robertson explained that a certificate of non-conformity can be issued by the Zoning Officer within a year of a zone change, after a year the applicant would have to apply for a certificate of non-conformity. The applicant has the burden of proof that the use or structure existed before the adoption of the ordinance which made the use or structure non-conforming and has been used continuously.

Mr. Robertson explained that the Class I and Class III members are not eligible to participate on this application.

Mr. Richard Kaplan Attorney for the applicant, stated that 507 Fairview Ave is located in R60A zone which is a single-family zone and that it is an application for certificate for non-conformity.

He stated that the Lily Weiniger, current owner, Wayne Weiniger (Lily's father) and another relative Cynthia Cassidy will testify to the history of the house.

Mr. Kaplan stated that the house was built in 1950 and they are here to demonstrate that it has always been used as two-family dwelling.

He stated there have been no additions or alterations.

Mr. Kaplan stated that he has seven packets of the photographs to be distributed to the Board Members to be shared.

Mr. Bill Robertson duly swore in Lily Weiniger, current homeowner and applicant.

She stated the house was built in 1950 and her grandparents Albert and Jessi Hydo moved into the house in 1952 so they could rent out the apartment and afford the house.

She stated she took the photographs a few months ago.

Photograph package was entered as Exhibit A1-A12:

- Exhibit A1 12/22/21 photograph of interior stairs to upstairs apartment taken from side door.
- Exhibit A2 12/22/21 photograph of upstairs apartment bedroom.
- Exhibit A3 12/22/21 photograph of upstairs apartment full bathroom.
- Exhibit A4 12/22/21 photograph of upstairs kitchen showing appliances. She stated there are no appliances currently. Her Uncle had been living in the upstairs apartment and is now deceased. She is waiting for new appliances to be delivered.
- Exhibit A5 12/22/21 photograph of current owner as child showing living room and kitchen appliances in background.
- Exhibit A6 12/22/21 photograph of floor 1 front entrance (main door entrance).
- Exhibit A7 12/22/21 photograph of house showing view of entrance for floors 1 & 2.
- Exhibit A8 12/22/21 photograph showing floor 2 entrance (side entrance).
- Exhibit A9 12/22/21 photograph showing floor 1 full bathroom.
- Exhibit A10 12/22/21 photograph showing floor 1 full kitchen with appliances.
- Exhibit A11 12/22/21 photograph showing basement with separate gas utilities for floor 1 and 2. Each unit has its own furnace.
- Exhibit A12 12/22/21 photograph showing basement with separate utilities. (2 gas meters).

Lily Weiniger stated she has lived at the residence since Dec 1999 and has always lived at property. Her first ten years where in the top apartment; then her family moved downstairs.

She stated that there are 2 PSEG meters and have been since she has lived there. There are 2 utility bills and to her knowledge the house has always been this way.

She stated she is the third generation to live at the house.

Member Sherr questioned if there was only one electric meter, he only saw one in the photograph A7.

Ms. Weiniger did not know the answer, her father would answer the question.

Member Descenza asked if there was a common entrance like a mother daughter.

Ms. Weiniger explained the layout.

Member Woska confirmed who had lived at the property.

Ms. Weiniger stated her Uncle lived upstairs and he has passed away.

Mr. Costa asked if on the inside of the structure had anything been changed? Any walls added or removed? Has the door always been there?

Ms. Weiniger stated that there had been no changes.

Member Greco asked what the address is for the property, if there was an A or B or up or down to the address.

Mr. Robertson duly swore in Wayne Weiniger, he explained the family connection. He married Albert and Jessi's daughter, Andrea. He stated he lived upstairs at first and he lived upstairs for 10 years and has lived at the property for a total of 31 years.

He stated that he found records that the utilities have been split since March 6, 1979.

He stated that the gas is split not the electric and how the tenant upstairs just paid a flat \$100 rate each month towards electric.

He stated the construction of the house is lath and plaster, the original walls are still intact, there is no sheetrock in the house.

He stated that Albert and Jessi Hydo bought the house in 1952. He explained the entrance to the house and layout.

He stated the area got rezoned in 1975, he explained that there will be no changes to the house and won't affect the neighbors. He stated it is about the equity in the house. The value to the bank is what is important.

The Board asked about the rental history.

Mr. Weiniger gave the answer to the best of his knowledge.

Member Descenza asked a question about if the house was to be demolished would they be able to rebuild.

Mr. Robertson explained that the use can't be expanded but the MLUL states any such structure may be restored or repaired in the event of partial destruction. They could do ordinary maintenance like remodeling kitchen.

Mr. Costa stated that there couldn't be any additions or expansions and agreed with Mr. Robertson.

Mr. Costa explained that if the foundation is intact you can rebuild to preexisting size. If the foundation is destroyed; you would not be able to build a two-family house you would have to conform to the zone which is a single family zone.

Mr. Costa also stated that if removed a wall and wanted to make a single family then years later you wanted to convert back to a two family that would not be allowed. That is why he asked about the interior walls of the structure.

Member Woska asked if there was a driveway.

Mr. Weiniger stated that there is a driveway and parking in front of the house.

Member Woska asked where everyone parks when it snows.

Mr. Weiniger stated that everyone parks in the driveway when it snows.

Member Woska asked about the taxes on the property.

Mr. Costa stated he had the tax card and it is listed as a 2 family as far back as 1982.

Member Ryan questioned the door openings and if it was it built as two family, why is there only one electric service?

The Board discussed that it was more like a mother daughter and the houses were built differently back in the 1950's.

Mr. Costa considers separate kitchen, bathroom, bedroom and separate entrance to be a separate unit.

Member Ryan asked about tax records.

Mr. Costa stated that the record goes back to 1982 taxed as two family.

Chairperson Conahan opened the meeting to public for questions, there being none the Board continued with the application.

Mr. Robertson duly swore in Cynthia Cassidy, 39 Leo Ave, Stanhope NJ 07874.

Ms. Cassidy stated that Albert and Jessi Hydo were her Aunt and Uncle. (Her mother's sister)

Ms. Cassidy stated that she was born in 1961 and grew up in Piscataway; before her parents moved to Piscataway her parents had lived at 507 Fairview Ave with her 3 brothers.

Ms. Cassidy stated that she had visited the house as a child they were a close family and always at the house. The house is the same as when she was a child; there are 2 separate units.

Member Descenza confirmed that her parents lived upstairs.

Member Sherr confirmed that there were tenants in the past after her parents and no alterations to her knowledge.

Mr. Costa confirmed there were no alterations to the inside of the property.

Member Ryan asked why they wouldn't be able to knock down the house and build a new 2 family.

Mr. Roberston stated that they would need a variance to build a new 2 family house because it is a single-family zone.

Mr. Costa stated that if there was substantial damaged due to fire or flood, the MLUL provides that the structure can be restored or repaired.

Member Sherr asked if language to be added to Resolution could be added.

Chairperson Conahan opened the meeting to the public for questions, there being none the Board continued with the application.

Member Greco asked if this was illegal home and if granted confirmed that the applicant can't knock it down and it had to stay as is.

Mr. Costa stated any building would have to be on original foundation and original room sizes indicated on tax card.

Mr. Costa stated if anyone calls and says they have a two family in single family zone they must have the certificate of non-conformity to prove it or come to the Board.

Mr. Costa asked if the tax card be attached to the Resolution.

Member Nicolay suggested they should have plans of their house if ever needed.

Member Descenza made a motion to approve the certificate of non-conformity with the conditions discussed, seconded by Member Caruso. Vote: Member Sherr-yes, Chairperson Conahan-yes, Member Ryan-no, Member Woska-yes, Member Kranz-yes, Member Descenza-yes, Member Greco-yes, Member Caruso-yes, Member Nicolay-yes. Motion passed.

6. JLUB Annual Report

Member Sherr made a motion to approve the JLUB 2021 Annual Report, seconded by Member Woska. Vote: All in favor. Motion passed.

7. Board Comments

A. Master Plan Update

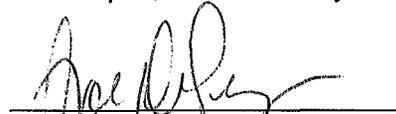
Chairperson Conahan informed the Board that the subcommittee met today as first meeting. He stated that the last reexamination was June 2012 and would like this the new one to be adopted by June 2022.

Member Woska asked a question about Jilly's Liquor on Lincoln Blvd. Mr. Costa stated that no Certificate of Occupancy shall be issued until they fix sidewalks and lights.

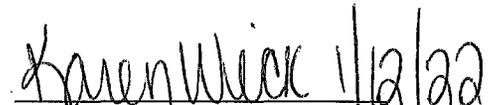
Chairperson Conahan opened the meeting to the public.

Rich Rutkowski, 211 Maple Ave, stated that there are trolley poles on Lincoln Blvd and asked if they could stay.

There being no further business Member Greco made a motion to adjourn the meeting at 8:24pm, seconded by Member Sherr. Vote: All in favor. Meeting adjourned.



Joe Descenza, Secretary



Karen Wick, Board Clerk